

Remarks

The applicant thanks examiners Steven Leff and Keith Hendricks for the interview on May 3, 2007, with the applicant's representatives, Mel Biggs and Erin Henson of FUJIFILM Dimatix, Inc. The interview included a discussion of the section 103 rejection of the claims based on the Willcocks reference (WO 01/94116), including the difference between printing on a food product that has, for example, a "gravity flowability of about 50% or more in 24 hours" (as recited in the applicant's claims) and printing on solid food (as described in Willcocks). The section 112, second paragraph, rejections of claims 23, 32, and 36 were also discussed.

[Each of the applicant's comments below is preceded by related statements in the action dated January 16, 2007, quoted in small type.]

The numbering of claims must be numbered consecutively. As the claims are currently written there are two claims numbered 35. The second claim numbered 35, will be addressed as claim 36. Appropriate correction is required.

The claims have been amended.

Claims 23 and 36 are indefinite due to the phrase "coffee drink". It is unclear as to what is meant to represent a "coffee drink". For instance, the coffee drink could be frozen, cold, or hot, all of which would affect the viscosity and the application of an image.

The phrase "coffee drink" is not indefinite and is meant to have the broadest reasonable interpretation, including frozen, cold, or hot coffee.

Claim 32 is indefinite due to the phrase "free flowing". It is unclear as to what extent, or viscosity range "free flowing" is meant to represent. For instance, water and glue could both be viewed as "free flowing"; however they flow differently.

The phrase "free flowing" is supported at least on p. 6, lines 3-13, of the application. "Free flowing" is meant to have the broadest reasonable interpretation, including products that have a delicate, easily damaged surface and, typically, are flowable. These can include both products that flow like water or products that flow like glue.

With regards to claims 1-8, 10-12, 13, 15-16, and 19-36 Willcocks et al. teach a method for printing high-resolution images on an edible substrate. The printing of the image on the edible substrate is accomplished with the use of a drop on demand ink-jet printer that uses food grade ink and is capable of obtaining resolution of greater than 200 dpi. (pg. 6 line 21+) Willcocks et al. further disclose that the edible substrate may be chocolate, or ice cream (pg. 20 lines 9+) and that the image quality and resolution is dependant upon the surface chemistry of the ink and the edible substrate. (pg. 22 line 12+) "Other

embodiments according to the invention which can have advantageous effect on image quality include, controlling the surface energy of the chocolate by changing the temperature of the substrate of the ink." (pg. 22 line 12+)

With regard to claims 1, 6, 7, 10, 12-14 and 23, 24, 27, 31, 32 and 35 although Willcocks et al. do not specifically state the viscosity of the edible substrate or the gravity flowability during the application of the image, Willcocks et al. do teach the use of ice cream, and chocolate as possible edible substrates. Willcocks et al. continue by teaching that "other embodiments according to the invention, which can have advantageous effects on image quality, include, controlling the surface energy of the ice cream by changing the temperature of the substrate". (pg. 22 line 12+) Therefore one of ordinary skill in the art would have been motivated to alter the temperature of the edible substrate in order to achieve the desired viscosity and therefore the desired end product.

While Willcocks describes printing on food products such as chocolate or ice cream, Willcocks fails to describe and would not have made obvious printing on a food product having *gravity flowability of about 50% or more in 24 hours*, as recited in independent claims 1, 27, and 31. Rather, Willcocks describes printing on food products that are solid, such as "chocolate, cookies, M&M@s-type candy or other sugar shell candy, or hard candy, jelly beans, starch-based, savory snacks, and gelatin-based gummi and soft candies." (p. 20, lines 7-17) Nowhere does Willcocks describe printing on a food product having a "gravity flowability of about 50% or more in 24 hours", such as a liquid or slurry.

Willcocks also does not suggest modifying his printer to print on foods in a flowable state. To the contrary, Willcocks teaches away from printing on food products having a "gravity flowability of about 50% or more in 24 hours" by its suggestion to lower the temperature of chocolate, which would harden the chocolate instead of making it flowable. (p. 22, lines 24-26)

During the interview, Mr. Biggs and Ms. Henson explained that one possible advantage of printing on foods having a "gravity flowability of about 50% or more in 24 hours" is that customers can print on the food earlier in the production line prior to packaging or before the food solidifies.

All of the dependent claims are patentable for at least similar reasons as those for the claims on which they depend are patentable.

Canceled claims, if any, have been canceled without prejudice or disclaimer.

Any circumstance in which the applicant has (a) addressed certain comments of the examiner does not mean that the applicant concedes other comments of the examiner, (b) made

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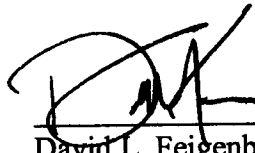
arguments for the patentability of some claims does not mean that there are not other good reasons for patentability of those claims and other claims, or (c) amended or canceled a claim does not mean that the applicant concedes any of the examiner's positions with respect to that claim or other claims.

Please apply the extension of time fee of \$120.00 and any other charges or credits to deposit account 06-1050 referencing attorney docket 09991-133001.

Respectfully submitted,

Date: \_\_\_\_\_

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